

**IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

JACKIE FISHER

*Plaintiff,*

vs.

UNIVERSITY OF TEXAS  
MEDICAL BRANCH and  
DAVID WATSON

*Defendants.*

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CIVIL ACTION NO. 4:08-CV-01273

Jury Demanded

**United States District Court  
Southern District of Texas  
FILED**

**JUN 23 2008**

**Michael N. Milby, Clerk**

**DEFENDANTS' ORIGINAL ANSWER**

TO THE HONORABLE NANCY F. ATLAS:

Comes now Defendants, University of Texas Medical Branch, Department of Correctional Managed Care, ("UTMB") and David Watson, and file this their original answers to Plaintiff's Original Complaint and would show the Court and Jury the following:

1. Admitted.
2. Denied as to the Texas Secretary of State being the proper agent for purposes of service of citation. Admit the remainder of the paragraph.
3. Admitted.
4. Admitted.
5. Admitted as to the basic statutory statements, but denied as to Defendants committing any unlawful employment practices.
6. Admitted as to the statements as to the statutes and references to the U.S. Constitution, but deny as to there being any unlawful employment practices or constitutional violations of due process or retaliation for exercise of free speech.

7. Admit as to venue only. Deny as to Defendants committing any unlawful employment practices.
8. Denied.
9. Admitted as to Ms. Fisher being an employee and being black. The remaining allegations are denied.
10. Admitted.
11. Admitted.
12. Admitted.
13. Admitted.
14. Upon reasonable inquiring, Defendants can neither admit nor deny.
15. Admitted in part. Denied in part. Some employees were transferred but unknown as to races. Admit Ms. Fisher asked about some transfer, but there was no complaint or mention of race.
16. Denied.
17. Denied.
18. Denied.
19. Admitted.
20. Denied.
21. Denied.
22. Admitted in part. Mr. Watson appeared only as a witness. Denied as to the result, particularly about influence.
23. Admitted in part. Denied in part. Some of the committee members may have been in his chain of command but Mr. Watson was only a witness.

24. Admitted in part. Denied in part. The referral to the Texas Board of Nurses Examiners was not as a result of any impermissible actions of Defendants.
25. Admit. After reasonable inquiry, Defendants cannot admit to the specific date.
26. Denied.
27. Admit that at some time, Ms. Gotcher and Ms. Melton came to the unit. Otherwise denied.
28. Denied.
29. After reasonable inquiry, Defendants can neither admit or deny.
30. After reasonable inquiry, Defendants cannot admit or deny.
31. Denied.
32. Upon reasonable inquiry, Defendants can neither admit nor deny.
33. Denied.
34. Denied.
35. Upon reasonable inquiry, Defendants can neither admit nor deny.
36. Upon reasonable inquiry, Defendants can neither admit nor deny.
37. Admit in part, denied in part. Plaintiff's evaluations say what they say.
38. Admit in part. Deny in part. Defendants cannot state the date.
39. Admit in part. Deny in part. Defendants cannot state the date.
40. Denied.
41. Denied.
42. Admit in part. Deny in part. Mr. Watson did not do the demotion.
43. Denied.
44. Denied.

45. Admitted.
46. Admitted.
47. Admitted.
48. Denied.
49. Admit in part. Denied in part. Plaintiff filed grievances but Defendant is not sure how many.
50. Denied.
51. Admitted in part. Plaintiff was awarded back pay. Deny the rest.
52. Admitted in part. Back pay was given. Denied as to the rest.
53. Upon reasonable inquiry, Defendants can neither admit nor deny.
54. Denied.
55. Denied.
56. Upon reasonable inquiry, Defendants can neither admit or deny.
57. Denied.
58. Defendants reiterate their responses to paragraphs 1 - 57.
59. Admitted.
60. Denied.
61. Denied.
62. Denied.

Hostile Environment

63. Defendants reiterate their responses to paragraphs 1-62.
64. Admitted.

65. Denied.

66. Denied.

67. Denied.

68. Denied.

Retaliation

69. Defendants reiterate their responses to paragraphs 1-68.

70. Denied.

71. Denied.

72. Denied.

73. Denied

74. Denied.

42 USC § 1981 Complaint

75. Defendants reiterate their responses to paragraphs 1-74.

76. Admitted.

77. Denied.

78. Admitted.

79. Denied.

42 USC § 1983 Due Process & Equal Protection

80. Defendants reiterate their responses to paragraphs 1-79.

81. Admitted.

82. Denied.

83. Admitted.

84. Denied.

85. Denied.

86. Denied.

42 USC § 1983

87. Defendants reiterate their responses to paragraphs 1-86.

88. Admitted.

89. Denied.

90. Denied.

91. Denied.

92. Denied.

93. Denied.

DAMAGES

94. Denied.

95. Denied.

96. Denied.

DEFENSES

1. Defendants assert the defense of the U.S. Constitution, 11<sup>th</sup> Amendment immunity.

2. Defendants assert sovereign, qualified and official immunities defenses.

3. Defendants assert the defenses of limitation for claims made beyond applicable time limits.

4. Defendants assert the defenses of failure to mitigate, that Plaintiff is an at-will employee,

Defendant must also exhaust administrative remedies. Defendants further assert the defenses afforded them under 42 USC 1981 (a) as well as all other affirmative defenses for which the

evidence may show them entitled.

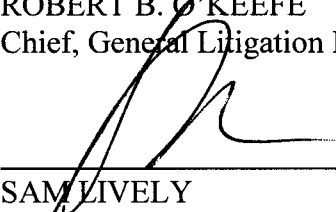
Respectfully submitted,

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KENT C. SULLIVAN  
First Assistant Attorney General

DAVID S. MORALES  
Deputy Attorney General for Civil Litigation

ROBERT B. O'KEEFE  
Chief, General Litigation Division



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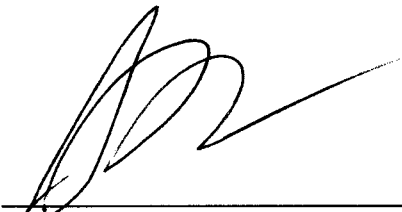
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ATTORNEYS FOR DEFENDANT

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the above and forgoing document has been sent via certified mail, return receipt requested, on June 20, 2008, to the following individual:

Jo Miller  
505 North Main  
Carriage House  
Conroe, Texas 77301



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SAM LIVELY  
Assistant Attorney General